

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRANDI JOHNSON,

Plaintiff,

-against-

STRIVE EAST HARLEM EMPLOYMENT
GROUP, LISA STEIN, Individually, ROB
CARMONA, Individually and PHIL WEINBERG,
Individually,

Defendants.

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12 CIV. 4460 (HB)

ECF CASE

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed declaration of Sarir Z. Silver Esq., dated August 6, 2012, and the exhibits annexed thereto; the accompanying Memorandum of Law; and upon all prior pleadings and proceedings herein, the undersigned will move this court, before the Honorable Harold Baer, at the courthouse located at 500 Pearl Street, New York, New York 10007, to dismiss the complaint, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).

PLEASE TAKE FURTHER NOTICE that pursuant to L. Civ. R. 6.2(b)(2), any opposing affidavits and answering memoranda shall be served within fourteen days after service of the moving papers.

PLEASE TAKE FURTHER NOTICE that pursuant to Section 5(G) of Judge Baer's Individual Rules of Practice, the non-moving party must, within ten days of receipt of the motion, notify the Court and the undersigned in writing whether (1) it intends to file an amended pleading and when it will do so; or (2) it will rely on the pleading being attacked.

PLEASE TAKE FURTHER NOTICE that Defendants respectfully request oral argument.

Dated: New York, New York
August 6, 2012

Respectfully Submitted,

GORDON & REES LLP

By: _____/s/

Robert Modica

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Attorneys for Defendants